

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Davy Crockett Tower
Nashville, Tennessee**

May 17, 2007

Board Members Present

Bob Campbell, Professional Engineer
James Hastings, Registered Architect
Philip Lim, Professional Engineer
John Love, Registered Landscape Architect
Dana Miller, Registered Interior Designer
David Schuermann, Registered Architect
William Stockard, Professional Engineer
Richard Thompson, Registered Architect

Board Members Absent

Sharon Byrd, Public Member

Associate Board Members Present

Carlton Norris, Professional Engineer
Raymond White, Professional Engineer

Associate Board Members Absent

Dennis Henderson, Professional Engineer

Staff Present

Kathryn Wiseman, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

Connie Wallace, American Institute of Architects Tennessee (AIA TN)
Candy Toler, Tennessee Society of Professional Engineers/American Council of
Engineering Companies of Tennessee (TSPE/ACEC-TN)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Katherine Setser, President of TIDC

CALL TO ORDER

Mr. Love, chair, called the meeting to order at 9:00 a.m. Roll call determined that a quorum was present.

Mr. Campbell, seconded by Mr. Stockard, moved to accept the agenda as presented. The motion passed unanimously.

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Announcements

Mr. Cothron announced that Kathryn Wiseman was assigned as the Board's legal counsel in April.

CONSENT AGENDA

Approval of Minutes (attached)

Mr. Thompson, seconded by Ms. Miller, moved to accept the minutes of the March 22, 2007 meeting as written. The motion passed unanimously.

Staff Complaint Report (attached)

Mr. Campbell, seconded by Mr. Stockard, moved to accept the recommendations presented in the Complaints for Board Decision. The motion passed unanimously.

DIRECTOR'S REPORT

Mr. Cothron reported that

- He has been selected to participate in the Tennessee Government Management Institute in June and July 2007.
- He, Mr. Thompson, Mr. Campbell, and Ms. Wiseman made a presentation concerning the Board's law and rules at the Tennessee Building Officials Association Annual Conference.
- He, Mr. Campbell, Mr. Norris, and Ms. Wiseman are scheduled to make presentations at the Tennessee Society of Professional Engineers Annual Conference on June 8, 2007.
- A new computer system to replace the present regulatory board system is scheduled to be installed in October 2007.
- The Board has a new copier which is capable of scanning and e-mailing. Staff hopes to use this feature to expedite the review of applications.
- Board members are requested to submit newsletter articles.
- The State Fire Marshal's Office is previewing computer systems that will allow electronic plans submittal and review.
- He, Mr. Love, Mr. Hastings, and Mr. Campbell, attended a training session regarding board members' role in formal hearing proceedings.
- Mr. Schuermann and Mr. Thompson have been approved to attend the National Council of Architectural Registration Boards' Annual meeting in Denver, CO on June 20-23, 2007. He and Ms. Wiseman will also attend.
- He will request approval for Ms. Wiseman, two engineer Board members, and himself to attend the National Council of Examiners for Engineering and Surveying Annual Meeting in Philadelphia to be held August 22-25, 2007.
- The Fall Planning Session is planned for October 17-19, 2007 at Natchez Trace State Park.

Licensing Data was submitted. (attached)

Complaint Data was submitted. (attached)

Financial Data was submitted and reviewed by Mr. Lim. (attached)

OLD BUSINESS

Action Items (attached)

The action items taken from the March meeting were reviewed and the required action had been taken.

NEW BUSINESS

Report on NCEES Southern Zone Meeting

A written report was submitted. (attached)

Election of Officers for 2007-2008

There being no nominations, Ms. Miller volunteered to serve as chair of the Board. Mr. Campbell, seconded by Mr. Lim, moved to close nominations and elect Ms. Miller by acclamation. The motion passed unanimously.

Mr. Lim nominated Mr. Hastings for vice-chair. Mr. Thompson, seconded by Mr. Schuermann, moved to close nominations and elect Mr. Hastings by acclamation. The motion passed unanimously.

There being no nominations, Mr. Lim volunteered to serve as secretary of the Board. Mr. Campbell, seconded by Mr. Thompson moved to close nominations and elect Mr. Lim by acclamation. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Candy Toler, TSPE/ACEC-TN, reported that

- The annual meeting of TSPE is scheduled for June 6-8. Mr. Cothron is to be one of the featured speakers.
- TSPE/ACEC-TN is sponsoring a Mayoral Forum (Nashville Davidson County) on June 26 at the Engineering Center.
- Senate Bill 354/House Bill 800, which considers a person as having met the educational requirement to sit for the Principles and Practice of Engineering exam if the applicant has a master's degree in engineering (even if the undergraduate degree is not engineering) passed the legislature. The bill was amended to require certification as an engineer intern. It includes a sunset date of 2012.
- The "CPR" bill may appear again next year, but she is forming a coalition to defeat it.
- The sponsor of the bill restricting the use of the title "engineer" and exempting locomotive engineers (Senate Bill 1471) does not plan on moving forward with the bill because it was not drafted as he intended.
- The geologist registration bill is moving and may pass.

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- Senate Bill 2196/House Bill 2253, relative to design-build contracts, requires TDOT (Tennessee Department of Transportation) to prepare a report on the effectiveness of design-build contracts for the legislature's review upon the completion of three design-build contracts that have a total contract amount in excess of \$1,000,000.
- Senate Bill 2238/House Bill 2319 which updates references to outdated codes, appears to be moving.

Connie Wallace, AIA TN, reported that an amendment (Senate Bill 1275, House Bill 1003) (attached) proposing a change to a law concerning "Portion of contract price held in escrow" is opposed by AIA TN. The bill would change lien issues and, more importantly, retainage and prompt pay. She will keep the Board apprised.

In answer to a question by Ms. Wallace, the Board saw no prohibition to allowing registrants to self-report continuing education credit for having attended product research exhibitions in the exhibit hall at the AIA TN convention.

Ms. Wallace provided background information on construction administration in anticipation of Mr. Thomas Smith's presentation to the Board.

Don Baltimore, TIDC, reported that, even though the "Tennessee Interior Design Consumer Protection Act" did not pass, he is pleased with its progress. The bill will be considered next year.

LEGISLATIVE UPDATE

An update on the 2007 pending legislation of interest to the Board is attached.

LEGAL CASE REPORT (presented by Ms. Wiseman) (attached)

Complaints for Board Disposition

1. Case #L07-AEL-RBS-2007053561 *Complaint #200705356*
To be reviewed by Mr. White.
2. Case #L07-AEL-RBS-2007053541 *Complaint #200705354*
To be reviewed by Mr. Stockard.
3. Case #L07-AEL-RBS-2007056891 *Complaint #200705689*
Mr. Campbell, seconded by Mr. Thompson, moved to authorize a formal hearing. The motion passed unanimously.
4. Case #L06-AEL-RBS-2006044151 *Complaint #200604415*
Mr. Thompson, seconded by Mr. Campbell, moved to authorize a formal hearing. The motion passed unanimously.
5. Case #L07-AEL-RBS-2007058771 *Complaint #200705877*
Mr. Campbell, seconded by Mr. Hastings, moved to authorize a formal hearing. The motion passed unanimously.
6. Case #L07-AEL-RBS-2007056821 *Complaint #200705682*
Mr. Schuermann, seconded by Mr. Hastings, moved to authorize a formal hearing. The motion passed unanimously.

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7. *Case #L06-AEL-RBS-2006037431* *Complaint #200603743*
Mr. Thompson, seconded by Mr. Campbell, moved to close the case with a Letter of Caution regarding plan stamping. The motion passed unanimously.
8. *Case #L07-AEL-RBS-2007055321* *Complaint #200705532*
Mr. Thompson, seconded by Mr. Hastings, moved to authorize a formal hearing. The motion passed unanimously.
9. *Case #L07-AEL-RBS-2007052051* *Complaint #200705251*
Mr. Campbell, seconded by Mr. Stockard, moved to close the case. The motion passed unanimously.
10. *Case #L07-AEL-RBS-2007054031* *Complaint #200705403*
11. *Case #L07-AEL-RBS-2007054032* *Complaint #200705403*
12. *Case #L07-AEL-RBS-2007054033* *Complaint #200705403*
The above three cases are to be reviewed by Mr. Hastings.
13. *Case #L07-AEL-RBS-2007049591* *Complaint #200704959*
Mr. Campbell, seconded by Ms. Miller, moved to authorize a formal hearing and to notify the Contractors' Board of a possible contractor's law violation. The motion passed unanimously.

Break 10:00 a.m.-10:30 a.m.

INFORMAL CONFERENCE

- Case #L06-AEL-RBS-2006027311* *Complaint #200602731*
Patrick Brown, Registered Architect, #21810 appeared before the Board to discuss his competency regarding work done on a Fed Ex building expansion project. Mr. Brown explained that original Fed Ex facilities are always designed by properly registered architects and engineers and are designed to be expanded. He redraws the design, checking others' work and adds the expanded area. In regard to the electrical portions, he merely indicates where receptacles, etc. are to be placed—nothing about the wiring.
- Board members advised Mr. Brown to be careful when "checking" others' work; signing design documents makes him responsible. Mr. Lim, seconded by Mr. Hastings, moved to close the case with a Letter of Caution regarding stamping drawings and practicing in the area of competency. The motion passed unanimously.

Messrs. Campbell, Love, Hastings, and Cothron shared information garnered from a training session regarding the Board members' role during a formal hearing.

Lunch Break: 11:05-noon

Personal Appearance—Thomas W. Smith—submittal documents

Mr. Smith sees a conflict among the International Building Code, Construction Specifications Institute (CSI), and the policies of this Board. Members of the Architect Committee suggested that they meet with Mr. Smith for an in-depth study of Mr. Smith's allegations.

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Mr. Lim stated that he appreciated Mr. Smith's passion and for bringing things to the Board's attention, but registrants are governed by the law and rules established for the Board by the State of Tennessee.

Mr. Schuermann, seconded by Mr. Stockard, moved that staff draft a resolution to be presented to Christy Allen, former legal counsel for the Board. The motion passed unanimously.

Mr. Lim, seconded by Mr. Campbell, moved for adjournment. The motion passed unanimously.

The meeting adjourned at 12:30 p.m.

ATTACHMENTS

Minutes of the March 22, 2007 meeting
Complaints for Board Decision
Licensing Data
Complaint Data
Financial Data
Action Items taken from the March 22, 2007 meeting
NCEES Annual Meeting Report
Senate Bill 1275, House Bill 1003 (presented by Connie Wallace)
2007 Pending Legislation Summary
Senate Bill 55/House Bill 1276
Amendment #1 to SB 55/HB 1276
Amendment #2 to SB 55/HB 1276
House Bill 84
Senate Bill 354
Amendment #1 to SB 354/HB 800
Amendment #2 to SB 354/HB 800
House Bill 331
House Bill 332
Senate Bill 763
Senate Bill 1417
Senate Bill 1471
House Bill 2253
Amendment #1 to SB 2196/HB 2253
House Bill 2319
House Bill 1876
Amendment #1 to SB 2091/HB 1876
Amendment #2 to SB 2091/HB 1876
Amendment #3 to SB 2091/HB 1876
Complaints for Board Disposition
Thomas W. Smith's Correspondence via E-Mail